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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

ARMOUR & CO. v. COMMONWEALTH.

Sept. 9, 1913.

[79 S. E. 328.]

Licenses (§ 40*)—Criminal Prosecutions—Doing Business as Merchant without License.—The conviction of defendants for doing business without a license was proper, where defendants were, contrary to law, doing business as merchants without a license, though defendants contended that the commissioner of revenue proceeded on a wrong basis in estimating the amount of their sales, for the purpose of determining the amount to be paid for a license.

[Ed. Note.—For other cases, see Licenses, Cent. Dig. §§ 79-83; Dec. Dig. § 40.* 9 Va.-W. Va. Enc. Dig. 323; 14 Va.-W. Va. Enc. Dig. 652; 15 Va.-W. Va. Enc. Dig. 609.]

Error to Corporation Court of Danville.

Armour & Co. were convicted and fined for doing business in the city of Danville as merchants without a license, and they petition for writ of error. Affirmed.

Hall & Woods, of Roanoke, for petitions.

The Attorney General, for the Commonwealth.

NESBIT v. WEBB.

Sept. 11, 1913,

[79 S. E. 330.]

1. Negligence (§ 32*)—Injuries to Third Person—Dangerous Premises—Use of Premises—Invitee.—Defendant, having contracted to construct a new roundhouse for a railroad company on the site of an existing roundhouse, the work to be done in sections so as not to necessitate a discontinuance of the use of the house, excavated a foundation ditch across a pathway habitually used by the railroad company's employees. Plaintiff, a locomotive engineer, returning early in the morning from his run, put his engine away and started on his usual route along the pathway and traveled until he suddenly fell into the ditch and received injuries for which he sued. He did

*For other cases the same topic and section NUMBER in Dec. Dig. & Am. Dig. Ke. No. Series & Rep'r Indexes.